

City of Brookings **WORKSHOP Agenda**

CITY COUNCIL

Monday August 30, 2021, 5:00pm

City Hall EOC, 888 Elk Drive, Brookings, OR 97415

A. Call to Order

B. Roll Call

C. Topics

- 1.** Municipal Code Revisions – Benevolent Meal Services [Pg. 1]
 - a. Proposed BMC Chapter 17 Revisions [Pg. 2]
- 2.** Municipal Code Revisions – Accessory Dwelling Unit [Pg. 5]
 - a. Proposed BMC Chapter 17.180 Revisions [Pg. 6]

D. Council Member Requests for Workshop Topics

E. Adjournment

All public City meetings are held in accessible locations. Auxiliary aids will be provided upon request with at least 72 hours advance notification. Please contact 469-1102 if you have any questions regarding this notice.

Due to the COVID-19 virus, meeting participants in the EOC will be limited and social distancing of six (6) feet will be required and maintained.

CITY OF BROOKINGS

COUNCIL WORKSHOP REPORT

Meeting Date: August 30, 2021



Signature (submitted by)

Originating Dept: PW/DS



City Manager Approval

Subject:

Municipal Code Revisions – Benevolent Meal Services Conditional Use Permit

Background/Discussion:

Staff received direction from Council at the August 2nd workshop to propose revisions to the Brookings Municipal Code (BMC) that would provide a method for local churches and other non-profits to obtain a conditional use permit in order to provide benevolent meal services in a residential zone. Oregon Health Authority (OHA) has classified the community kitchens (St. Timothy's Episcopal Church, Star of the Sea Catholic Church and the Presbyterian Church) as "restaurants". The BMC doesn't allow restaurants either outright or conditionally, as they are currently operating in the church's community kitchens, within residential districts (R-1, R-2, R-3).

Staff, in cooperation with legal counsel from Local Government Law Group, reviewed code sections of the BMC and have developed draft changes to language that would address Council direction to create a method for allowing benevolent meal services in churches, in a residential zone, under a conditional use permit.

Chapters included for review:

- 17.08.020 B Terms
- 17.20 Single-Family Residential (R-1) District
- 17.24 Two-Family Residential (R-2) District
- 17.28 Multi-Family Residential (R-3) District
- 17.124 Specific Standards Applying to Conditional Uses

Proposed revisions include defining benevolent meal services, creating language in the code to list benevolent meal services as a conditional use in residential zones, and a draft of the criteria required for the conditional use permit.

Staff is seeking direction from Council on proposed changes to language in the BMC. With consensus, staff will recommend BMC changes to the Planning Commission, as these are related to Chapter 17, Land Development Code; and if approved by the Planning Commission, staff will recommend Ordinance to the City Council for adoption.

Attachments:

- a. Proposed BMC Chapter 17 revisions

Title 17 LAND DEVELOPMENT CODE

17.08.020 B terms.

"Basement" means a space wholly or partly underground, and having more than one-half of its height, measured from its floor to its ceiling, below the average adjoining finished grade; if the finished floor level directly above a basement is more than six feet above finished grade at any point, such space shall be considered a story.

"Bed and breakfast" means the rental of one or more rooms in an owner-occupied, single-family residence where a breakfast meal is served during the a.m. hours only.

"Benevolent Meal Service" means a periodic food service operation that provides food to the public without charge.

"Building" means any structure built and maintained for the support, shelter or enclosure of persons, animals, or property of any kind.

"Building, main" means a building within which is conducted the principal use permitted on the lot or parcel, as provided in this code. [Ord. 08-O-606 § 2; Ord. 03-O-446.SS; Ord. 91-O-446.F § 1; Ord. 89-O-446 § 1.]

Chapter 17.20 SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

17.20.040 Conditional uses.

The following conditional uses may be permitted subject to a conditional use permit:

A. Recreation uses and facilities, including country clubs, golf courses, and swimming clubs, but not including such intensive commercial recreation uses as a golf driving range, race track or amusement park;

B. Churches, subject to BMC [17.124.100](#);

C. Hospitals, rest, nursing and convalescent homes, subject to BMC [17.124.100](#);

D. Public or private schools, but not including a business, dancing, trade, technical or similar school, and subject to BMC [17.124.011](#);

- E. Nursery schools and day care facilities, subject to BMC [17.124.010](#);
- F. Governmental structures or uses including parks and recreation facilities, fire stations, libraries, and museums, but not including storage or repair yards, warehouses or similar uses;
- G. Riding academies and public stables, subject to BMC [17.124.070](#);
- H. Cemeteries, mortuaries, crematories, mausoleums, and columbariums, subject to BMC [17.124.090](#);
- I. Excavation and removal of sand, gravel, stone, soil or other earth products, subject to BMC [17.124.020](#) (commercial excavations);
- J. Public and quasi-public halls, lodges and clubs, subject to BMC [17.124.120](#);
- K. The keeping of horses, cattle, sheep and other livestock, subject to BMC [17.124.190](#);
- L. Planned unit developments, including duplex or multifamily development, subject to provisions of Chapter [17.116](#) BMC;
- M. Utility substations or pumping stations, subject to BMC [17.124.030](#);
- N. Bed and breakfast facilities, subject to the provisions of BMC [17.124.140](#);
- O. Dwelling groups, subject to BMC [17.124.180](#);
- P. Signs appurtenant to any conditional use and which do not comply with BMC [17.20.080](#);
- Q. Short-term rentals pursuant to the provisions of BMC [17.124.170](#);
- R. Poultry farms and eggeries, subject to the provisions of BMC [17.124.040](#);
- S. Temporary living quarters for caretakers, subject to the provisions of BMC [17.124.200](#);
- T. Cottage industries, subject to BMC [17.124.220](#);
- U. Amateur radio facilities, accessory to a dwelling, subject to the provisions of BMC [17.124.230](#).
- V. Benevolent Meal Service, as a primary use or in combination with another use permitted outright or conditionally, subject to BMC [17.124.050](#).

[Ord. 16-O-752 § 3; Ord. 14-O-722 § 3; Ord. 08-O-612 § 2; Ord. 01-O-446.MM; Ord. 98-O-446.DD § 4; Ord. 95-O-446.Y § 2; Ord. 95-O-446.X § 3; Ord. 93-O-446.L § 2; Ord. 91-O-446.D § 1; Ord. 89-O-446 § 1.]

This would repeat in R2 & R3 zoning districts

Chapter 17.124

SPECIFIC STANDARDS APPLYING TO CONDITIONAL USES

17.124.050 Benevolent Meal Service

A. Organizations or individuals providing benevolent meal services may serve meals to the public up to ____ day(s) per week between the hours of ____ am and ____ pm. No benevolent meal service shall last more than ____ hours.

B. Benevolent meal services shall comply with all applicable state and county public health requirements and shall maintain any permits, licenses, or certifications required to provide such services at all times.

C. Benevolent meal services must utilize off-street parking facilities that comply with all applicable requirements of the Brookings Municipal Code. Off-street parking facilities shall include screening measures to reduce noise and other impacts to abutting properties.

D. Any structures used to provide benevolent meal services shall comply with all applicable city, county, and state requirements related to building, fire, and public works standards.

E. An organization providing benevolent meal services must meet the requirements of a charitable organization under Section 501(c)(3) of the Internal Revenue Code.